

JUL 02 2008

THOMAS R. FALLQUIST
SPOKANE COUNTY

STATEMENT OF PROBABLE CAUSE

STATE OF WASHINGTON)
COUNTY OF SPOKANE)

08102119-1

DEFENDANT: Katruska, Melissa M (DOB: 09/17/1976)

CASE NUMBER: 07-09-13

MATTER NUMBER: 10357242

The undersigned, Amy Rose is an Investigator III with the Medicaid Fraud Control Unit (MFCU). The MFCU is a unit within the Criminal Justice Division of the Washington State Attorney General's Office. Its specialized function is to investigate and prosecute crimes of billing fraud and theft perpetrated by medical or other healthcare providers who are collecting Medicaid funds through programs administered by the Department of Social and Health Services (DSHS).

Under various programs, Title XIX (Medicaid) funds are used to provide personal care services for needy, eligible clients. The programs are administered through the Washington State Department of Social and Health Services' Aging and Adult Services Administration (DSHS, AASA). In home personal care services under the Community Options Program Entry System (COPES) and Medicaid Personal Care (MPC) are two such programs.

Investigator Rose is competent to testify, states as follows: That she believes a crime was committed by the above named defendant in the City and County of Spokane, State of Washington, based upon my investigation in this matter summarized below:

WITNESSES:

Sandra Lindgren
Case Resource Manager/Social Worker
Elder Services
5125 N Market Street
Spokane WA 99207
(509) 458-7450

Sandra Lindgren (Lindgren) will testify regarding her duties and responsibilities: as a Case Manager for Elder Services; and that she has been the Case Manager for Craig Eynon since 11-26-2006. Lindgren will further testify regarding: the assessment process; the documentation of case activity into the Service Episode Report (SER) notes; to the documents she provided related to the investigation of this matter; and as to the authenticity, surrounding circumstances, and content of documents that she drafted related to Craig Eynon and his Individual Provider Melissa Katruska. Lindgren will further testify as to her observations in regards to Eynon's care and condition; conversations she had with Eynon regarding complaints about Katruska; conversations she had with Katruska about those complaints; and to conversations with Eynon and Katruska regarding what Katruska's duties and responsibilities were in providing care for

Eynon. Lindgren will testify that Katruska's duties were outlined in Eynon's assessments; and included extensive transportation assistance 50 to 75% of the time, accompanying Eynon to medical appointments, extensive assistance with shopping; picking up medications for Eynon, extensive assistance with ordinary housework, extensive assistance with meal preparation, skin and foot care with at least daily observation of Eynon's skin for signs of skin break down, frequent position changes, physical help with bathing, extensive assistance with personal hygiene, extensive assistance with dressing, limited assistance with toileting, perineal care, limited assistance with transfers, limited assistance with bed mobility, and snow removal. Lindgren will testify that Eynon was authorized to receive the following number of hours for in home care services under the MPC program and the COPES program each month:

From 01-18-2005 through 03-31-2005 – 184 hours per month
From 04-01-2005 through 12-28-2005 – 140 hours per month
From 12-28-2005 through 08-07-2007 – 178 hours per month
From 08-08-2007 through 11-30-2007 – 139 hours per month

Lindgren will testify that Katruska was the sole contracted provider for all of Eynon's authorized hours; and that Katruska's hours were reduced to 75 for month of January 2007, as she had not completed her continuing education requirements.

Craig Eynon Sr
MPC/COPES/Medicaid Recipient
2911 E Rockwell Avenue
Spokane, WA 99207
(509) 489-6656

Craig Eynon (Eynon) will testify that he resides at 2911 E Rockwell Avenue, Spokane, WA; that Melissa Katruska was his Individual Provider (IP) during the time period of January 1, 2005 to November 30, 2007; and that for the last two years of this time period Katruska was only working about 50 hours per month, or three to four days per week for four hours per day. Eynon will further testify as to the complaints he has made to Lindgren regarding Katruska not working all of her hours; the calls for service he has made for fire department and medical assistance; as to who Katruska would bring with her when coming to Eynon's to perform in home care; as to his frequent use of the Paratransit system; and to lending Katruska money and assisting her in cashing a check.

Margit Walling
2915 E Rockwell Avenue
Spokane, WA 99207
(509) 482 – 5287

Margit Walling (Walling) will testify that she has resided at 2915 E Rockwell Avenue since "2002"; and that she has met her neighbor Craig Eynon. Walling will further testify that Eynon told her that his friend and her husband are his care givers; and that in her estimation Eynon's care givers come for about six hours per week to care for Eynon.

Elisha Johnson
2915 E Rockwell Avenue
Spokane, WA 99207
(509) 482-5287

Elisha Johnson (Johnson) will testify that he has resided at 2915 E Rockwell Avenue since "2002"; and that he has met his neighbor Craig Eynon. Johnson will further testify that he does not work and is at home most of the time; that he is "amazed" at what Eynon tries to do for

himself; and that the fire department is at Eynon's quite often to assist him. Johnson will further testify that there is "no way" Eynon's caregivers are working six to seven hours per day for Eynon.

Doris Stragier
Assistant to Assistant Spokane City Attorney Salvatore Faggiano
808 W Spokane Falls Boulevard
Spokane, WA 99210
(509)625-6277

Doris Stragier (Stragier) will testify that she mailed a compact disc (CD) containing 69 Emergency Medical Service Incident Reports wherein the Spokane Fire Department, between the dates of 11-30-2004 to the present (11-17-2007) responded to calls for service for Craig Eynon Sr., residing at 2911 E Rockwell, Spokane, WA 99209, and that the CD was mailed to Investigator Rose with the Washington State Attorney General's Office, 1116 W Riverside Ave., Spokane, WA 99201.

Claudia Butler
Financial Services Specialist Lead
Department of Social and Health Services, Spokane North Community Service Office
1925 E Francis
Spokane, WA 99208
(509) 227-2200

Claudia Butler (Butler) will testify that she provided Investigator Rose with the Washington State Attorney General's Office copies of 56 pages of documentation pertaining to Rachel Aronson applying for and being awarded Working Connections Child Care (WCCC) benefits for her son Glenn Bender; and that documentation included the case notes, background authorization, WCCC application, other supporting documentation related to Aronson's benefit, and Melissa Katruska's application to be a paid child care provider for Bender through the WCCC program.

Kara Taylor
3311 E Valley Forge
Mead WA 99021
(509) 270 - 0458

Kara Taylor (Taylor) will testify that she is Craig Eynon's daughter; she has known Melissa Katruska since "2004"; and that over time Eynon has increasingly asked her to perform tasks for him that are part of Katruska's duties. Taylor will further testify that she started noticing a real problem with Eynon's care in early 2006, as Eynon began calling her with greater frequency to assist with tasks that were Katruska's responsibility; such as taking out garbage, putting on Eynon's socks, and grocery shopping. Taylor will testify that for at least the last six months Katruska was contracted with Eynon, Eynon has complained to Taylor that Katruska was only showing up in the evenings around 10:00 p.m. or 11:00 p.m. and staying for an hour or two. Taylor will further testify that she did not keep detailed records of how often she assisted Eynon, but that in November 2007 she went to Eynon's residence (2911 E Rockwell, Spokane, WA) at least seven times to assist him with tasks Katruska should have been performing.

Bob Eynon
3936 Landmark Lane
Brea, CA 92823
(714) 381 - 1357

Bob Eynon (Eynon) will testify that he is Craig Eynon's brother; and that he visited Eynon for his birthday in March 2007. Bob Eynon will further testify that he believes he visited Craig Eynon on a Friday and Saturday; that he assisted in cleaning Eynon's kitchen, because it needed to be scrubbed down; and that he did not see or meet Eynon's care provider (Katraska) during his visit

Darla McAllister
3416 E 2nd Street #B
Long Beach, CA 90803
(562) 429-1866

Darla McAllister (McAllister) will testify that she is Craig Eynon's sister; that she visited Eynon Friday March 2, 2007 to Sunday, March 4, 2007 for his birthday; she assisted in giving Eynon's kitchen a deep cleaning; and that she did not see or meet Eynon's care provider (Katraska) during her visit. Darla McAllister will further testify that she visited Eynon a second time in 2007 for his colonoscopy procedure; that when she arrived at Eynon's house (2911 E Rockwell Avenue, Spokane, WA) his care provider (Katraska) was there; and that she did not see Eynon's care provider the following day while Eynon was at the hospital for the colonoscopy procedure.

Robert Eynon
2919 La Doga Avenue
Long Beach, CA 90815
(562) 429 - 1866

Robert Eynon (Eynon) will testify that he is Craig Eynon's father; and that he visited Craig Eynon for a couple of days in 2007 for Craig Eynon's colonoscopy procedure. Robert Eynon will further testify that on the first day of his visit he arrived at Craig Eynon's house (2911 E Rockwell Avenue, Spokane) at approximately 5:00 p.m.; that Craig Eynon's care provider (Katraska) and her husband were at the house, and that he did not recall seeing Eynon's care provider for the remainder of his visit.

Sharon Wright
5761 E La Palma #328
Anaheim, CA 92807
(714) 779-0368

Sharon Wright (Wright) will testify that she is Craig Eynon's sister; and that she visited Eynon for a couple of days in 2007 when Eynon had his colonoscopy procedure. Sharon Wright will further testify that on the first day of her visit she arrived at Eynon's house at approximately 3:00 p.m. or 4:00 p.m.; that Eynon's care provider (Katraska) was at Eynon's residence; and that she did not recall seeing Eynon's care provider for the rest of her visit.

Tom Hawkinson
Transportation Supervisor Paratransit Operations
1230 West Boone Avenue, Spokane, WA 99201 - 2686
(509) 325-6026

Tom Hawkinson (Hawkinson) will testify regarding Spokane Transit Authority's documentation of Craig Eynon's transportation history through the Paratransit program; that he provided

Investigator Rose a trip history showing all of Eynon's scheduled, changed, cancelled, and confirmed trips from January 1, 2006 to November 30, 2007.

Leta Burns
Financial Service Specialist III
Department of Social and Health Services, Community Service Office
8517 E Trent Avenue
Spokane, WA 99212
(509) 227-2700

Leta Burns (Burns) will testify as to her duties and responsibilities working with persons applying for and receiving Working Connections Child Care Services (WCCC); an overview of the WCCC program, recipient qualifications, provider requirements, and the application process.

Dr. Mark Didier,
Eynon's Primary Care Physician
Rockwood Clinics
9001 N Country Homes Blvd.
Spokane, WA 99218
(509) 838 - 2531

Dr. Mark Didier (Didier) will testify that he has been Eynon's primary care physician since "2002"; that he recalls that a female care giver has come on occasion with Eynon to his appointments; and that he has not taken any chart notes documenting when she has or has not accompanied Eynon to his appointments. Dr. Didier will further testify that at times Eynon appears disheveled and has greasy hair, but that he looks better than when he first began seeing him in 2002.

Kelly Newton
Admitting Representative
St. Luke's Rehabilitation
711 S Cowley
Spokane, WA 99202
(509) 473-6869

Kelly Newton (Newton) will testify that she can confirm Eynon's Physical Therapy appointments at St. Luke's; and that it is not noted in his chart if someone accompanies him to his appointments.

Rachel Aronson
5907 N Greenwood
Spokane, WA 99208
(509) 768-3493

Rachel Aronson (Aronson) will testify that she is the mother of Glenn Bender, D.O.B. 05-22-2002; that she has known Melissa Katruska for approximately 12 years; that she (Aronson) applied for and received Working Connections Child Care Benefits through the State of Washington; and that Katruska contracted through the WCCC program to provide child care in her home for Glenn Bender from approximately 12-2004 to 04-2007, Monday through Friday from approximately 6:30 a.m. to 4:30 p.m. Aronson will further testify that she was employed full-time during the period Katruska was contracted to provide child care for Glenn Bender; that she primarily dropped Bender off at Katruska's residence Monday through Friday; that she picked Bender up at Katruska's residence approximately 60% of the time and at Eynon's residence approximately 40% of the time; that she was aware of the fact that Katruska was

contracted to provide care to Eynon at the time she contracted to provide care to Bender; and that she was aware of the fact that Katruska took Bender to Eynon's house on occasion in order to provide care to Eynon. Aronson will further testify that she did not keep any records showing when Katruska provided child care for Bender, nor did she receive any records or receipts from Katruska; and that on several occasions she assisted Katruska with cashing her pay checks for this program, as Katruska did not have a bank account.

Sandra Hemminger
Criminal Information Analyst
Washington State Attorney General Office
Criminal Justice Division, Medicaid Fraud Control Unit
P. O. Box 40116
Olympia, WA 98504
(360) 586-8873

Sandra Hemminger (Hemminger) will testify regarding Social Service Payment System documents, Employment Security documents, Labor and Industries documents, and other information provided to Investigator Rose.

Jacki McFarlen
Program Monitor, A.L.T.C.E.W.
1222 North Post Street
Spokane, WA 99201
(509) 458-2509

Jacki McFarlen (McFarlen) will testify that she prepared an overpayment calculation for the hours falsely claimed by Melissa Katruska and that the total overpayment made to Melissa Katruska by the State of Washington is \$21,159.52. McFarlen will further testify that this calculation was based on Katruska only having worked 64 hours per month (four hours per day, four days per week) from January 1, 2006 to November 30, 2007. McFarlen will testify that she arrived at this figure by using a calculation based on the number of hours Katruska claimed for each month multiplied by her hourly pay rate subtracted from 64 hours per month multiplied by Katruska's hourly pay rate.

MaryAnn Johnson
Office of State Treasurer
Legislative Bldg.
P O Box 40200
Olympia, WA 98504
(360) 902-8985

Mary Ann Johnson (Johnson) will testify regarding: the authenticity of subject certified Washington State warrants; the process for determining the accuracy and reliability of the fund amount of the warrants, generally, and specifically those issued in the name of Melissa M Katruska from January 2006 through November 2007.

Ms. Christine Swedberg
Social Service Payment System Operations Manager, DSHS/ASD

Christine Swedberg (Swedberg) will testify: that she is a Social Service Payments Systems Operations Manager for the Washington State Department of Social and Health Services/Administrative Services Division; regarding the use of the Interactive Voice Response System (IVR) that is used to receive information from care providers in order to begin the process for payment of services. Further, Swedberg will testify that the IVR received requests

for payment under Social Services Payment System (SSPS) provider number 241925 for Melissa M. Katruska from January 2006 through November 2007.

Amy Rose
Investigator
Attorney General of Washington
Criminal Justice Division/Medicaid Fraud Control Unit

Amy Rose will testify that she is currently employed as an Investigator III by the Washington State Office of the Attorney General's Medicaid Fraud Control Unit (MFCU). Investigator Rose will further testify regarding all aspects of the investigation including interviews of Craig Eynon on November 27, 2007, March 18, 2008, and April 22, 2008; Margit Walling and Elisha Johnson on November 27, 2007; Kara Taylor on January 4, 2008; Sandra Lindgren on January 7, 2008 and March 10, 2008; Melissa Katruska on January 11, 2008 and March 19, 2008; Bob Eynon on February 19, 2008; Robert Eynon on February 20, 2008; Darla McAllister on February 20, 2008; Sharon Wright on February 21, 2008; Tom Hawkinson on March 4, 2008; Leta Burns on March 11, 2008; Dr. Mark Didier on March 11, 2008; Kelly Newton on March 11, 2008; and Rachel Aronson on 03-31-2008 and 04-11-2008. Investigator Rose will testify that she advised Katruska of her Constitutional (Miranda) rights and waiver of rights on January 11, 2008. She can further testify that Katruska chose to waive those rights and admitted to not keeping any records for the majority of the time she was contracted to provided care to Eynon, admitted to bringing her husband and children to work with her about 50% of the time, admitted to contracting to provide child care services in her home to Glenn Bender in addition to being contracted to provide in home care services to Eynon, admitted to signing and submitting three time sheets dated May 2007, June 2007, and July 2007 and claimed that she had in fact worked the hours claimed on the timesheets, admitted to submitting monthly invoices via the Invoice Response System (IVR) for each month during the contracting period for the full number of hours allowed for the care of Eynon, and denied that she had not worked all of the hours she had claimed.

Based upon my knowledge and experience, as well as the statements and evidence obtained, it is my belief that: on or about January 29, 2006, March 01, 2006, March 25, 2006, April 27, 2006, May 31, 2006, June 29, 2006, July 27, 2006, August 28, 2006, September 28, 2006, October 30, 2006, November 30, 2006, December 29, 2006, January 26, 2007, February 28, 2007, March 26, 2007, April 29, 2007, May 31, 2007, June 26, 2007, July 26, 2007, August 30, 2007, October 01, 2007, October 29, 2007, and November 27, 2007 Melissa M. Katruska submitted invoices through the Invoice Response System to the Social Service Payment System, for the full amount of monthly hours she was authorized for to provide paid personal care services to Craig Eynon. Katruska was authorized for 178 hours per month from January 1, 2006 to December 31, 2006, 75 hours for January 2007, 178 hours per month from February 1, 2007 to August 7, 2007, and 139 hours per month from August 8, 2007 to November 30, 2007. Katruska was compensated at a rate of \$9.57 per hour from January 1, 2006 to June 30, 2007, and at a rate of \$10.02 per hour from July 1, 2007 to November 30, 2007. Katruska received payment each month in the form of a warrant issued by the State of Washington Office of the State Treasurer made payable to Melissa M. Katruska. The warrants were issued and redeemed on the following dates:

Warrant #411824A issued on February 01, 2006 and redeemed on February 07, 2006
Warrant #479169A issued on March 02, 2006 and redeemed on March 07, 2006
Warrant #515149A issued on April 03, 2006 and redeemed on April 10, 2006
Warrant #801254A issued on May 01, 2006 and redeemed on May 08, 2006
Warrant #854930A issued on June 01, 2006 and redeemed on June 06, 2006
Warrant #899079A issued on July 03, 2006 and redeemed on July 10, 2006
Warrant #960173A issued on August 01, 2006 and redeemed on August 09, 2006
Warrant #302060F issued on September 06, 2006 and redeemed on September 13, 2006

Warrant #362066F issued on October 02, 2006 and redeemed on October 10, 2006
Warrant #425002F issued on November 01, 2006 and redeemed on November 08, 2006
Warrant #485626F issued on December 01, 2006 and redeemed on December 06, 2006
Warrant #732163F issued on January 03, 2007 and redeemed on January 10, 2007
Warrant #822271F issued on February 13, 2007 and redeemed on February 26, 2007
Warrant #844490F issued on March 01, 2007 and redeemed on March 12, 2007
Warrant #899771F cancelled due to a garnishment order on Katruska, and re-issued as warrant
#109610H on April 04, 2007 and redeemed on April 11, 2007
Warrant #959457A cancelled due to a garnishment order on Katruska, and re-issued as warrant
#255134H on May 03, 2007 and redeemed on May 14, 2007
Warrant #192272G issued on June 04, 2007 and redeemed on June 14, 2007
Warrant #227664G issued on July 02, 2007 and redeemed on July 13, 2007
Warrant #290019G issued on August 01, 2007 and redeemed on August 09, 2007
Warrant #351530G issued on September 04, 2007 and redeemed on September 13, 2007
Warrant #718338G issued on October 03, 2007 and redeemed on October 24, 2007
Warrant 754610G issued on November 01, 2007 and redeemed on November 06, 2007
Warrant #816187G issued on December 03, 2007 and redeemed on December 07, 2007

Katruska was overpaid \$21,159.52 during this period by the State of Washington, as she had only been working approximately 64 hours per month (four days per week, four hours per day), and that these acts all occurred in Spokane, County.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A 72.085).

DATE: 07/02/2008

PLACE: Spokane, Washington

SIGNATURE: Amy h Rose